



Town of Tiburon

STAFF REPORT

The applicant is requesting a variance for reduced rear yard setback (7.91' in lieu of the minimum 25 feet) to enclose the space adjacent to the existing entryway, construct a new porch area beyond the entryway, and convert the existing carport into a garage.

The applicant is also proposing to convert 431 square feet of the unconditioned space on the lower level into a bedroom. Because this space is already counted in the total floor area for the residence, converting the unconditioned space into living space would not increase the total floor area of the residence. A small addition is also proposed to construct interior stairs down to the proposed bedroom.

Additional exterior alterations would include constructing a new deck off of the proposed lower level bedroom and another deck off of the master bedroom on the main level. The existing roof material would be replaced with new composition shingle and three new skylights are proposed over the kitchen. New wood shingle siding is also proposed for the residence.

The proposed additions would increase the lot coverage by 167 square feet to 3,310 square feet (5.6%), which is less than the 15.0% maximum permitted lot coverage in the RO-2 zoning district. The proposed addition and carport conversion would also increase the floor area of the house by 155 square feet, and would result in a total floor area of 5,367 square feet, which is less than the maximum floor area permitted for a lot of this size.

ANALYSIS

Design Issues

The subject residence is situated along the top of the property where nearly $\frac{1}{4}$ of the existing structure is encroaching into the required rear yard. The residence is mostly visible from the adjacent property to the east and is located so close to the uphill slope and rear property line (to the north) that properties uphill cannot see much of this house.

The existing façade of the residence would be updated with new wood siding, and the applicant would continue the characteristics of the proposed faced to the new garage and other proposed additions. Enclosing the space next to the entryway would bring out an exterior wall on the main level five feet, and the materials would remain consistent with the adjacent exterior walls. The proposed bedroom and bathroom on the lower level would not have a significant visual impact since the space would be partially below grade and underneath the existing dining room.

The proposed deck on the eastern side would extend 6' out over the main level patio, and the proposed garage would have a new pitched roof up to 17' in height with an entry trellis on the north side. The entryway addition and garage conversion would encroach 17 feet into the required rear yard; however due to the existing location of the carport and residence, the additions would result in minimal view or privacy impacts. The project would have little effect on the mass and bulk of the building. For these reasons, Staff foresees no design issues with the project.



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Zoning

Besides the requested variance for reduced rear yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district.

Variances

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

The improvements on the property are limited in scope because of the topographical constraints of the property, and the existing structure was already encroaching into the required setback. The strict application of the rear yard setback requirement would eliminate any practical location for an addition, depriving the applicant of the ability to expand this residence in a manner consistent with other properties in the vicinity.

- 2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

The buildable area of this property is constrained because of the steepness of the slope, and variances for setbacks for properties with similar topography in the RO-2 zoning district have been granted on numerous occasions. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

It would be an unnecessary hardship to strictly apply the rear yard setback requirement in this case because the configuration of the parcel and the steepness of the slope.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

As proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

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Public Comment

To date, no letters have been received regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

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CONDITIONS OF APPROVAL

13 ROSEVILLE COURT

FILE #20434

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on September 15, 2004, or as amended by these conditions of approval. Any modifications to the plans of September 15, 2004, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.